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September 19, 2023

**VIA ECF**

Honorable Christine P. O'Hearn, U.S.D.J.  
Mitchell H. Cohen Building & U.S. Courthouse  
4<sup>th</sup> & Cooper Streets  
Camden, NJ 08101

Re: *In re: Samsung Customer Data Security Breach Litigation,*  
Civil Action No. 1:23-md-03055 (CPO) (EAP)

Dear Judge O'Hearn:

I write jointly with Counsel for Defendant Samsung Electronics America, Inc. (“Samsung”) to provide a brief status update in advance of the parties’ status conference on September 21, 2023.

The parties attended an in-person conference with Special Master Wolfson on September 11, 2023, to address the fact sheet disputes, privilege issues with regard to any post-data breach investigative materials, and Plaintiffs’ request to serve requests for production. Judge Wolfson resolved the parties’ disputes regarding fact sheets and the parties are currently in the process of conforming the fact sheets to Judge Wolfson’s rulings. The parties will complete and exchange their respective fact sheets simultaneously within 60 days after they are finalized. Samsung will complete responses to Plaintiff-specific fact sheet questions 45 days after receiving Plaintiffs’ fact sheet responses.

In addition, the parties discussed their dispute regarding the production of any reports and the findings related to the post-data breach investigation conducted by Samsung’s cybersecurity expert. Judge Wolfson advised that she will issue a ruling on this dispute after formal briefing by the parties is completed. To that end, Samsung was directed to file its opening brief within 60 days of the hearing, or by November 10, 2023. The parties were further directed to work out a briefing schedule thereafter.

Separately, pursuant to the Court’s September 6, 2023 Text Order (Dkt. 90), the parties have been meeting and conferring regarding the use and development of a short form complaint.

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Although both parties agree that short form complaints are not typically used in class actions, the parties submit the attached short form complaint template (*see* Exhibit A). The parties agree that this short form complaint can be used when adding a named plaintiff or when substituting a new named plaintiff. To protect the parties’ interests, the parties agree that the short form complaint cannot be used to cure deficiencies in the operative class action complaint, the short form complaint will only be used to add or substitute new plaintiffs after Samsung’s motion to dismiss is decided, that Plaintiffs’ counsel will need leave of this Court to add a new named plaintiff or substitute a named plaintiff, and that if a new plaintiff is added, Samsung will be permitted to move to dismiss any newly added plaintiff.

Thank you for Your Honor’s commitment of time to this MDL case. We are available to answer any questions at the Court’s convenience and otherwise look forward further discussing the above with the Court on September 21st.

Respectfully submitted,

CARELLA, BYRNE, CECCHI, OLSTEIN  
BRODY & AGNELLO, P.C.

/s/James E. Cecchi

JAMES E. CECCHI

cc: All Counsel (via ECF)